

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:13-cv-10470-NMG

PATRICIA COSTANZO, individually and)
on behalf of all others similarly situated,)
)
Plaintiff,)
v.)
)
INNSEASON VACATION CLUB, LLC,)
INNSEASON MANAGEMENT, INC.,)
CURRAN MANAGEMENT SERVICES, INC.)
and KWC MARKETING, LLC,)
)
Defendants.)

DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER

Defendants InnSeason Vacation Club, LLC, InnSeason Management, Inc., Curran Management Services, Inc., and KWC Marketing, LLC (collectively "Defendants") hereby request this Court for leave in which to file an amended answer to Plaintiff's Second Amended Class Action Complaint to correct the response to Paragraph 30 as alleged. Plaintiff alleges that she attended a fair in New Hampshire in 2012 at which she visited a booth and submitted an entry form with her contact information. Defendants incorrectly admitted the allegation, as the Defendants have record that Plaintiff attended a fair on September 2, 2012 held in Carver, Massachusetts, not in New Hampshire. Counsel was confused and made the mistake in admitting the allegation that the fair attended was in New Hampshire. Plaintiff will not be prejudiced by the amendment, and fairness requires Defendants be permitted to rectify the error at this early stage of the proceedings so that they are not bound to a fact that is not true whether or not the allegation is material. Defendants attach at **Exhibit A** the proposed Amended Answer which only changes the response to Paragraph 30.

For the foregoing reasons, Defendants respectfully request this Court to grant them leave to file an amended answer in the form attached hereto.

Respectfully submitted,

**INNSEASON VACATION CLUB, LLC,
INNSEASON MANAGEMENT, INC.,
CURRAN MANAGEMENT SERVICES, LLC, and
KWC MARKETING, LLC**

By their attorneys,

/s/ Peter F. Carr, II

Peter F. Carr, II (BBO# 600069)

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Date: July 3, 2013

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Peter F. Carr, II, Esquire, hereby certify that I communicated with counsel for Plaintiff in advance of the filing of the within motion to advise of the filing and in an effort to narrow or resolve the issues. Counsel for Plaintiff indicated that he did not oppose the motion.

/s/ Peter F. Carr, II

Peter F. Carr, II

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Peter F. Carr, II

Peter F. Carr, II

Dated: July 3, 2013